

SECTION 7-8: CITIZEN REFERENDUM PROCEDURES

(a) *Definition Referendum Petition, Summary, Effect on Final Vote*

The referendum procedure is the process voters may use to protest a measure, or part thereof, approved by a vote of the City Council or School Committee, with the exception of those listed in Section 7-9. Voters file a referendum petition to identify the measure, or part thereof protested against, and collect signatures to show support for the petition.

The referendum process is summarized in Appendix 7-8. Appendix 7-8 is intended as a general guide for voters and elected officials, but not as a legal document. All legal interpretations of Section 7-8 shall be taken from the text of Section 7-8 paragraphs (a) through (i) and not the Appendix.

If, within [REDACTED] days following the date on which the City Council or the School Committee has voted finally to approve of any measure, a petition in compliance with Sections 7-8 (b-e) below and addressed to the City Council or School Committee is filed with the City Clerk protesting against a measure, or part thereof, then the effective date of any such measure shall be temporarily suspended. Final approval under this section shall not be complete until the time for all remedies pursuant to Section 3-7 has expired.

(b) *Commencement.* Referendum petition procedures shall be started by the filing of a proposed referendum petition with the City Clerk. The petition shall be addressed to the City Council or to the School Committee, shall contain the text of a particular measure, or part thereof protested against, which shall be set forth in the petition, and shall be signed by not less than 10 voters of the City. The petition shall be accompanied by an affidavit signed by five (5) voters and containing their residential address, stating they will constitute the petitioners' committee and shall indicate which member shall serve as clerk of the petitioners' committee.

(c) *Referral to City Attorney* - The City Clerk shall, following receipt of each such proposed referendum petition, deliver a copy of the referendum petition to the City Attorney. The City Attorney shall, not later than [REDACTED] days after receipt of a copy of the referendum petition, in writing, advise the City Council or the School Committee, as may be appropriate, whether: (i) the measure or part thereof protested against, as proposed, may lawfully be proposed by the referendum petition process; (ii) whether, in its present form it may be lawfully adopted by the City Council or School Committee; and (iii) whether the City Clerk may issue blank forms as provided below. If the opinion of the City Attorney is that the referendum petition fails in any respect, the reply shall state the reasons for that opinion, in full. A copy of the opinion of the City Attorney shall also be mailed to the person designated as clerk of the referendum petitioners' committee. If the City Attorney's opinion takes longer than [REDACTED] days, the period for collecting signatures is extended by one day for each day the process is delayed.

If the opinion of the City Attorney is that the petition is eligible pursuant to 7-8 (b) and 7-9, the City Clerk shall provide blank forms within [redacted] days for the use of the subsequent signers, and shall print at the top of each blank a fair, concise summary of the proposed measure or part thereof protested against, as determined by the City Attorney, together with the names and addresses of the first 10 voters who signed the originating petition. If the City Clerk takes longer than [redacted] days, the period for collecting signatures is extended by one day for each day the process is delayed.

(d) *Number of Signatures Needed* – The petition filed with the City Clerk shall contain signatures equal to [redacted]% of the total number of registered voters registered in the most recent biennial City election.

(e) *Certification of Signatures* Not later than [redacted] days after the filing with the City Clerk of the fully signed referendum petition, the Board of Registrars of Voters shall ascertain by what number of voters the referendum petition has been signed, and what percentage that number is of the total number of registered voters as of the date of the most recent regular biennial City Election. The City Clerk shall attach to the referendum petition a certificate showing the results of the City Clerk's examination and shall return the referendum petition to the Clerk of the Council or the secretary of the School Committee according to how the referendum petition is addressed. A copy of the Board of Registrars of Voters certificate shall also be mailed to the person designated as clerk of the referendum petitioners' committee. If the Board of Registrars of Voters takes longer than [redacted] days, the period for collecting signatures is extended by one day for each day the process is delayed.

(f) *Reconsideration by the City Council or School Committee* – At such time as the Board of Registers of Voters and the City Clerk certify the validity of the petition, the School Committee or the City Council shall reconsider its vote on the measure or any part thereof at the next regularly scheduled meeting of that body and, if the measure is not rescinded the City Council shall provide for the submission of the question for a determination by the voters either at a special election which it may call at its convenience, or within such time as may be requested by the School Committee, or at the next regular City election; provided however that pending such submission and determination, the effect of the measure shall continue to be suspended.

(g) *Publication* - The full text of any referendum petition which is submitted to the voters shall be published in a local newspaper and on the City's official web site not less than seven (7) nor more than fourteen (14) days preceding the date of the election at which such question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the City Clerk.

(h) *Form of Question* - The ballots used when voting on a referendum measure or part thereof proposed by the voters under this section shall contain a question in substantially the following form:

Shall the following measure or part thereof, which was passed by City Council (or School Committee) vote on (Here insert date of City Council or School Committee vote) stand as passed?

(Here insert the full text of the proposed measure or part thereof, or a fair, concise summary prepared by the petitioners' committee, and approved by the City Attorney)

_____YES _____NO

(i) *Requirements for a Binding Election* - A referendum measure must achieve a simple majority vote in a regular biennial election for the referendum to be binding on the City.

If placed before the voters at a special election, the referendum measure must achieve a simple majority, but at least twenty five (25%) percent of the registered voters of the City must vote on the referendum measure in order for the election to be binding.

If a simple majority is achieved in either type of binding election, the measure, or part thereof, is suspended. If a simple majority is not achieved, the temporary suspension of the measure, or part thereof, is rescinded.

[all timeline days and required signatures left blank for City Council consideration and decision]

Appendix 7-8

Summary of Section 7-8 Referendum Process

Note: Appendix 7-8 is intended as a guide for voters and elected officials, but not as a legal document. All legal interpretations of Section 7-8 must be taken from the text of Section 7-8 paragraphs (a) through (g)

Citizen Step in Process	Described in Section 7-8	Description
	(a)	<p>Definition, Summary of Process: Referendum protests a measure, or part, passed by City Council (CC) or School Committee (SC). First 3 steps must be completed in ___ days after CC or SC vote.</p> <ol style="list-style-type: none"> 1. Referendum petition filed by 10 voters with 5 addresses, 1 for clerk 2. City Attorney (CA) approves or rejects within ___ days and City Clerk issues signature forms for legal petition within ___ days 3. Referendum committee collects signatures of ___% of registered voters as of last election <ul style="list-style-type: none"> • If first 3 steps completed in ___ days, protested measure or part is temporarily suspended and CC or SC reconsiders at next meeting
#1	(b)	<p>Commencement:</p> <ul style="list-style-type: none"> • Filing needs 10 voters; 5 with addresses for committee; 1 as clerk
#2	(c)	<p>Sent to City Attorney (CA):</p> <ul style="list-style-type: none"> • CA issues opinion on legality within ___ days. CA approves or rejects with written reasons; deadline extended 1 day for each day more than ___ days • City Clerk issues forms within ___ days to collect signatures for legal petition. • Forms with signatures must be returned within ___ days of original vote
	(d)	<p>Number of Signatures</p> <ul style="list-style-type: none"> • Petition must contain signatures of ___% of registered voters to move forward
	(e)	<p>Certification of Signatures</p> <ul style="list-style-type: none"> • Board of Registrars of Voters certifies percentage of legal signatures • If sufficient signatures, measure or part is temporarily suspended
	(f)	<p>Reconsideration by CC or SC</p> <ul style="list-style-type: none"> • For a legal petition with sufficient signatures, CC or SC reconsiders and votes at next meeting • If measure or part not rescinded, CC submits to voters at next election or special election; measure continues to be suspended
	(g)	<p>Publication before Voter Election:</p> <ul style="list-style-type: none"> • Published in paper and on official web site 7-14 days before election
	(h)	<p>Ballot form:</p> <ul style="list-style-type: none"> • Summary of referendum with simple Yes or No vote